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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,967	08/22/2001	Charles A. Finn	01-2827-64	9064

7590

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EXAMINER

DUONG, THANH P

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,967

Applicant(s)

FINN, CHARLES A.

Examiner

Tom P Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,10,14,15,17,18,20-22,24,26,27 and 33 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-7,9,10,14,15,17,18,20-22,24,26,27 and 33 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-7, 9-10, 14-15, 17-18, 20-22, 24, 26-27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paquette (5,308,069). Regarding claims 1-2, 14-15, 20, 24, and 33, Paquette discloses a golf putter comprising a striking member, generally horizontal soleplate (Fig. 1), and a U-shape, rectangular bar weight structure having legs (32,34) extension to facilitate the attachment of the bar 30. Note, the legs (32,34) provide the function of supporting an attachment bar 28 similar to the support 24 of the claimed invention supporting the weight member (elongated cylindrical weight 26). Note also that the bar 30 can be seen in Figures 1 and 3 to have no supports under each of its ends. Whether the attachment bar 30 (weight member) is supported by a single, central support member (T-shaped) as claimed or having other supporting means such as a pair of legs (32,34) at its ends (U-shaped) appear to be an obvious matter of design choice to one having ordinary skill in the art; just as long as the single supporting member or a plurality supporting members provide adequate support to the weight member to ensure a balanced putter (Col. 1, lines 38-45), which is more forgiving if the ball is not struck precisely at the "sweet spot" (Col. 1, lines 16-25). Regarding claim 3, Paquette discloses a putter bight portion or the weighted bar is two

inch long which is approximately half the length of the face. (Col. 3, lines 4-19).

Regarding claims 4 and 26, the selection of a bar or a cylindrical shape for the weight member is a matter of design choice selection. Regarding claims 5 and 27, Paquette provides sufficient legs (32,34) extension to facilitate the attachment of the bar 30 and it would be obvious to have the claimed support member with sufficient extension to facilitate the attachment of the elongated cylindrical weight. Regarding claims 6, 10, and 21, Paquette discloses the mass distribution increases in the direction going from top surface of the face to the sole and it would be obvious in the claimed invention to mount the balanced weight structure at the top striking face surface for higher center of gravity. Regarding claims 7, 9, 18, and 22, Paquette shows recesses (46, 48) functionally equivalent to the bore, to accommodate the legs or support member. Regarding claim 17, Official Notice is taken that it is known in the art to use a higher density weight member than the rest of the club body and it would be obvious to do here to control weight distribution. Regarding claim 20, Official Notice is taken that it is conventional to provide a hosel member to a club head and it would have been obvious to provide such hosel to facilitate attachment and support to the shaft.

2. Claims 1-3, 5, 14-15, 20, 24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (5,716,290) in view of Parquette '069. Regarding claims 1-3, 5, 14, 15, 20, 24, and 27, Baker discloses a T-shape putter head with weight member integrally attached to the support member (Fig. 1). Baker does not show the weight member is mounted above the level of the sole plate. Parquette '069 teaches

the attachment bar 30 (weight member) is attached to directly behind the striking face with mass distribution increasing from top surface of face to the sole. Thus, it would have been obvious in view of Parquette to one having ordinary skill in the art to provide a support and weight member above the level of the sole plate to achieve a higher center of gravity.

Response to Arguments

Applicant's arguments with respect to claims 1-7, 9-11, 13-15, 17-18, 20-27, and 33-35, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (703) 305-4559. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on (703) 308-2126. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Tom Duong


Paul T. Sewell
Supervisory Patent Examiner
Group 3700